

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: ETHICON, INC. PELVIC
REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

THIS DOCUMENT RELATES TO:

Ida Evans
2:12-cv-01225

Rose Gomez
2:12-cv-00344

Jeanie Holmes
2:12-cv-01206

Mary Jane Olson
2:12-cv-00470

Christine Wiltgen
2:12-cv-01216

Kathleen Wolfe
2:12-cv-00337

Monica Freitas
2:12-cv-01146

Denise Sacchetti
2:12-cv-01148

Sheri Scholl
2:12-cv-00738

Cindy Smith
2:12-cv-01149

Waynick, Laura
2:12-cv-01151

Denise Burkhart
2:12-cv-01023

**Master File No. 2:12-MD-02327
MDL No. 2327**

**JOSEPH R. GOODWIN
U.S. DISTRICT JUDGE**

Jo'Ann Lehman
2:12-cv-00517

Patricia Conti
2:12-cv-00516

Patricia Ruiz
2:12-cv-01021

Pamela Free
2:12-cv-00423

Melissa Ridgley
2:12-cv-01311

Marty Babcock
2:12-cv-001052

Dorothy Baugher
2:12-cv-01053

Patti Ann Phelps
2:12-cv-01151

Lisa Thompson
2:12-cv-01199

Rebecca Wheeler
2:12-cv-01088

Thelma Wright
2:12-cv-01090

Rocio Herrera-Nevarez
2:12-cv-01294

Debra A. and Donald Schnering
2:12-cv-01071

Rebekah Bartlett (Pratt)
2:12-cv-01273

Amanda Deleon
2:12-cv-00358

Karyn Drake
2:12-cv-00747

Paula Kriz
2:12-cv-00938

Stacy Shultis
2:12-cv-00654

Kimberly Thomas (Wyatt)
2:12-cv-00499

Patricia Tyler
2:12-cv-00469

Myndal Johnson
2:12-cv-00498

Beverly Kivel
2:12-cv-00591

Karen Bollinger
2:12-cv-01215

Virginia Dixon
2:12-cv-01081

Shirley Walker
2:12-cv-00873

Dawna Hankins
2:12-cv-00369

Wilma Johnson
2:11-cv-00809

Margaret Kirkpatrick
2:12-cv-00746

Harriet Beach
2:12-cv-00476

Holly Jones
2:12-cv-00443

**AMENDED UNOPPOSED MOTION FOR AN EXTENSION
OF TIME IN WHICH TO FILE ANY *DAUBERT* MOTION
RELATED TO DEFENSE EXPERT STEVEN MACLEAN**

Plaintiffs respectfully move this Court for an order granting an extension of time in which to file any *Daubert* motion against Ethicon's expert Dr. Steven MacLean in the above captioned case. Dr. MacLean has been designated as a general expert in each of those cases listed in the caption. Plaintiffs' counsel requested their first extension from Defense counsel after being served with a supplemental expert report a few days before his deposition was initially scheduled to commence. This necessitated the postponement of Dr. MacLean's deposition to allow Plaintiffs' counsel to adequately prepare to depose Dr. MacLean on the new testing and opinions contained within his supplemental expert report. As a result of this, the parties mutually agreed to postpone Dr. MacLean's deposition to April 11, 2016, and Plaintiffs filed and served their deposition notice reflecting the new date. However, on April 5, 2016, Ethicon's counsel informed Plaintiffs' counsel that because of a trial conflict, Dr. MacLean is no longer available to be deposed on the agreed upon date of April 11, 2016. In the spirit of cooperation, Plaintiffs' counsel has agreed again to postpone Dr. MacLean's deposition to April 18, 2016. As a result in these delays – none of which were caused by the Plaintiffs or Plaintiffs' counsel – the parties have agreed to amend, for the second time, the deadlines to file motions to exclude and/or limit the opinions of Ethicon's expert Dr. MacLean as follows:

Daubert motion:

- Initial filings due May 12, 2016
- Responses due May 26, 2016
- Replies due June 2, 2016

Plaintiffs are not seeking these extensions for reason of delay or for any other improper purpose but, rather, only seek these extensions in good faith to accommodate Ethicon and its experts.

WHEREFORE, Plaintiffs request that the Court grant the requested extensions, moving the due dates to the dates listed above.

Dated: April 6, 2016

Respectfully submitted,

/s/ Bryan F. Aylstock

Bryan F. Aylstock, Esq.

Renee Baggett, Esq.

Aylstock, Witkin, Kreis and Overholtz, PLC

17 East Main Street, Suite 200

Pensacola, Florida 32563

(850) 202-1010

(850) 916-7449 (fax)

rbaggett@awkolaw.com

baylstock@awkolaw.com

/s/Thomas P. Cartmell

Thomas P. Cartmell, Esq.

Jeffrey M. Kuntz, Esp.

Wagstaff & Cartmell LLP

4740 Grand Avenue, Suite 300

Kansas City, MO 64112

816-701-1102

Fax 816-531-2372

tcartmell@wcllp.com

jkuntz@wcllp.com

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document on April 6, 2016, using the Court's CM-ECF filing system, thereby sending notice of the filing to all counsel of record in this matter.

/s/Bryan F. Aylstock
Attorney for Plaintiffs